

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan McLeod et al. Art Unit: 3733
Serial No.: 10/594,357 Examiner: Michelle Eckman
Filing Date: August 18, 2008 Conf. No.: 4660
Title: PROSTHETIC SPINAL DISC

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Signature: /Marjorie Jarvis/

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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97 & § 1.98

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08/a. The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted after mailing of a first Office Action on the merits and before the mailing date of a final action, notice of allowance or an action that closes prosecution of the application and is accompanied by the fee set forth in 37 C.F.R. § 1.17(p).

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08/a, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been

made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2040** referencing docket number **171US1**.

Respectfully submitted,
NuVasive, Inc.

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Dated: August 30, 2011